

REMARKS/ARGUMENTS

Rejections under 35 U.S.C. §112

Claims 1-5 and 8-16 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Specifically, the Office argues that “it is unclear how one would “specifically” amplify gene fragments of mycobacterial species...” Further, the Office argues that the claims are indefinite because the claimed sequences are sequences “comprising” the recited SEQ ID Nos. which “allows for unknown regions of any length on either end of the listed SEQ ID Nos.”

Accordingly, claims 1, 2 and 16 have been amended by removing any reference to “specifically” amplifying an hsp 65 gene fragment of mycobacterial species by deleting the word “specifically.” Claims 1, 2, 4, 5 and 16 have been amended to remove the open language of “comprising.” Claims 1, 2, 4, 5 and 16 have been amended by replacing “comprising” with “consisting of.”

As such, the current claims do not recite primers that specifically amplify an hsp 65 gene fragment of mycobacterial species nor open-ended primers (i.e. SEQ ID NOs. 55 and 56) that allow for unknown regions on either end of the primers. Applicants submit that the current amendments overcome the rejections under 35 U.S.C. §112, second paragraph, and request withdrawal of this rejection.

Conclusion

In view of the amendments and remarks made above, Applicants submit that the pending claims are now in condition for allowance. Applicants respectfully request that the claims be allowed to issue. If the Examiner wishes to discuss the application or the comments herein, the Examiner is urged to contact the undersigned by telephone.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Johnson, III", with a stylized flourish at the end.

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